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May 9, 2023

VIA ECF

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *McKoy, et al. v. The Trump Corp., et al.*, Case No. 18-cv-09936 (LGS)

Dear Judge Schofield:

This firm represents non-party ACN Opportunity, LLC (“ACN”) in these proceedings. On May 5, 2023, Plaintiffs filed redacted and unredacted versions of a memorandum in support of their motion to exclude certain opinions of Defendants’ experts [ECF Nos. 580, 579 (under seal)] and a declaration in support with four exhibits filed under seal [ECF Nos. 581, 582 (under seal)] (the “Declaration”).

In their contemporaneously filed letter motion for leave to file under seal [ECF No. 577], Plaintiffs indicate that at least some of the information submitted in redacted form and/or under seal was drawn from material that ACN designated “Confidential” in discovery. Plaintiffs have since specifically identified Exhibits 3 and 4 to the Declaration as ACN’s Confidential discovery material. ACN has reviewed the exhibits and confirmed that they are or contain non-public, sensitive business information of ACN. Accordingly, ACN respectfully requests, pursuant to Rule I.D.3 of Your Honor’s Individual Rules and Procedures for Civil Cases, that the documents remain sealed in the public record. In support of this request, ACN incorporates by reference its prior confidentiality letters filed at ECF Nos. 539, 555, and 569.

Respectfully,

A handwritten signature in black ink that reads 'Stephanie E. Niehaus'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Stephanie E. Niehaus

cc: All Counsel of Record (via ECF)